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The Big Picture - Police Commissioner System

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Recently, the Uttar Pradesh government has approved the implementation of the Police Commissionerate system in the two cities, Lucknow and Noida. Since the past 50 years, there was a demand to enforce the police commissionerate system. In 1978, an initiative to introduce the commissionerate system in Kanpur (UP) never materialised. The **commissionerate system** will give police a free hand to act swiftly and take decisions regarding maintaining law and order in the complex urban milieu. Now, powers of a District Magistrate (DM) under 15 Acts lie with the police.

Drishti Input

Historical Background

- Policing is based on the **Police Act of 1861**.
- Under the colonial system, the **dual system** of police administration was introduced.
- The overall in-charge of a district or region was the District Collector and the Superintendent of Police (SP) reported to him.
- The **primary objective** of the British was **revenue collection** in rural India. They needed a force that could support this objective and unleash tyranny and oppression when needed to suit the objective. The worst of officers from the British police were sent to India. So there was a need to put them under the District Collector. That system continued post-Independence.
- The British also brought the **Police Commissionerate System** first in **Kolkata** and followed it in **Mumbai** and **Chennai presidencies**. The system was introduced even **before** the Police Act of 1861.
- The commissionerate system is considered a step towards **police reforms**.

Directions of the Supreme Court in Prakash Singh vs Union of India

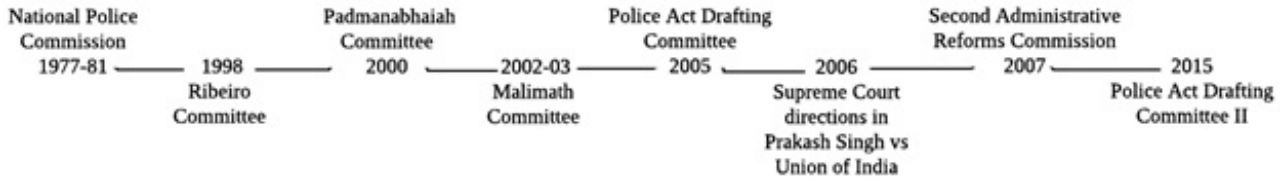
- In 1996, a petition was filed before the Supreme Court that raised various instances of abuse of power by the police and alleged that police personnel perform their duties in a **politically partisan manner**.
- The Supreme Court issued its judgement in **2006**, ordering the centre and states to **set up authorities** to lay down guidelines for police functioning, evaluate police performance, decide postings and transfers, and receive complaints of police misconduct.
- The court also required that **minimum tenure** of service be guaranteed to key police officers to protect them from arbitrary transfers and postings.

Police Commissionerate System

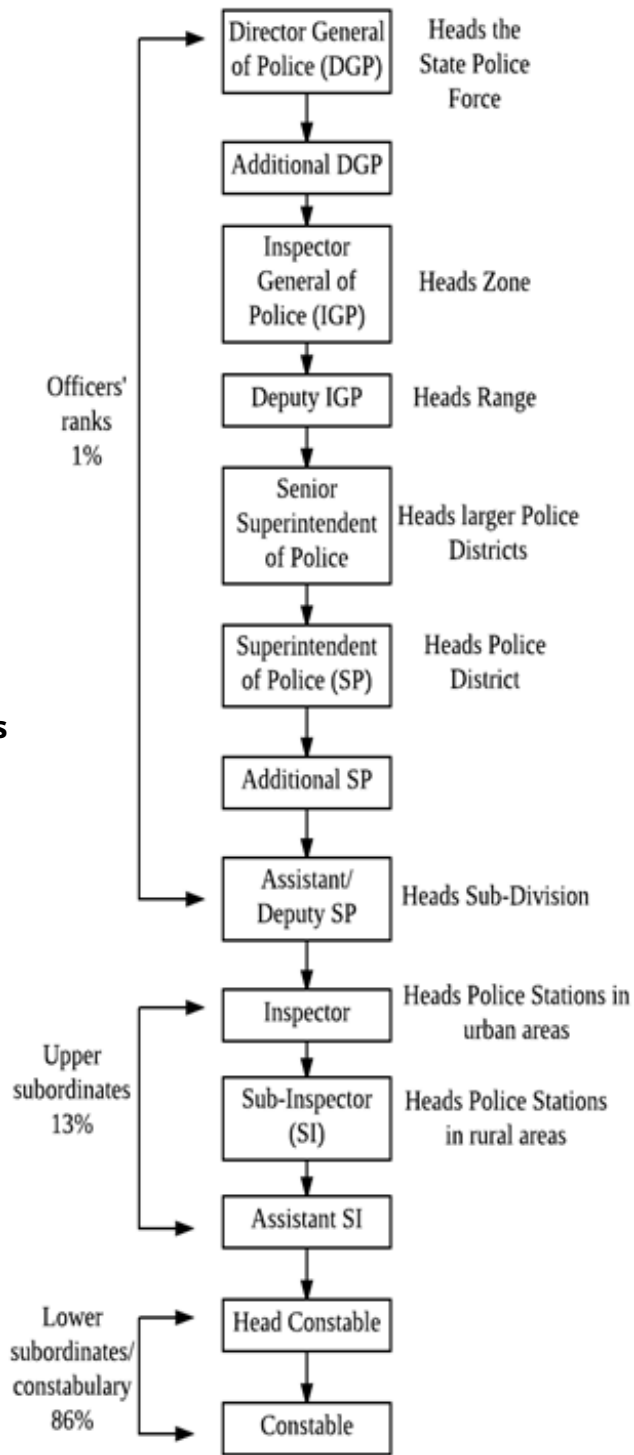
- Delhi turned into a commissionerate during 1977-1979.
- **National Police Commission's 6th report** released in 1983 recommended the commissionerate system in cities with a population of **5 lakh and above** as well as in places having special conditions.
- In 2005, **Draft Model Police Act**, framed by a committee, set up by the Home Ministry also made a similar recommendation saying **metro cities and major urban areas** with a population of **10 lakh or more** should have commissionerate system
- As of January 2018, the system has been implemented in 61 cities across 15 states in the country. (BPRD data, 2018)

However, after UP, **63 cities** now have this system.

Expert Bodies that have Examined Police Reforms



Constitutional/Legal Provisions



- Under the **7th Schedule** of the Constitution, Police is under the **State list**.
- Political executive (i.e., ministers) has the power of superintendence and control over the police forces to ensure their accountability.

- The **centre** is also allowed to maintain its own police forces to assist the states with ensuring law and order. Therefore, it maintains seven central police forces and some other police organisations for specialised tasks such as intelligence gathering, investigation, research and record-keeping, and training.
- The centre is responsible for policing in the Union Territories. It also extends intelligence and financial support to the state police forces.
- State police forces generally have **two** arms: **civil** and **armed police**.
- The **civil police** are responsible for day-to-day law and order and crime control.
- **Armed police** are kept in **reserve** until additional support is required in situations like riots.
- Civil police forces **broadly** adhere to the hierarchical structure shown in the figure:

Dual System

- The state government exercises control and superintendence over the state police forces.
- At the district level, the District Magistrate also give directions to the Superintendent of Police and supervise police administration.
- The powers such as issuing orders for preventive arrests or imposition of **Section 144 CrPC** are vested in the DM.

Commissionerate System

- In some metropolitan cities and urban areas, however, the dual system has been replaced by the commissionerate system to allow for **quicker decision-making in response to complex law and order situations, rising population and rapid urbanisation**.
- The police have a greater say in resolving land disputes. However, removal of encroachments and other land-related problems would need the presence of a magistrate to aid the police.

Differences Between the Dual System of Control and the Commissionerate System

Dual system	Commissionerate system
Dual command structure over the district police means that control and direction over the police vests with the SP (head of district police) and the District Magistrate (executive).	Unified command structure with the Commissioner of Police (rank of the Deputy Inspector General or above) as the sole head of the force within the city. Allows for quicker responses to law and order situations.

Separation of powers of the DM (e.g., issues arrest warrants and licenses) and the police (e.g., investigate crimes and make arrests).

Powers of policing and **magistracy** concentrated in Commissioner. **Directly accountable** to the state government and state police chief.

Less concentration of power in the police, and accountability to DM at the district level.

Lesser accountability to the local administration.

SP is assisted by Additional/Assistant/ Deputy SPs, Inspectors and constabulary.

Commissioner is assisted by Special/Joint/ Additional/ Deputy Commissioners, etc. Inspector downwards rank structure is the same.

Need for Commissionerate System

- Commissionerate system is considered the most authoritative system of policing, not only in other progressive countries but also in states in the country.
- The system brings **greater power and responsibility** on the Police system and the possibility of passing the buck on Magistrates is eliminated.
- It is considered essential in cities with a large population.
- Now, suggestions are being made that it should be implemented at least in the cities with a population of 20 lakh.
- **Big cities** generally throw law and order problems and other problems viz., student agitations, caste-communal problems, labour agitations, agitations related to laws passed by the governments.
- This requires very specialised handling and requires coordination at every stage. There can be a difference of opinion between officials. Hence, these multifarious, complicated issues need unity of command.
- In the present case of UP, Noida shares borders with the National Capital which already has a commissionerate system, after the implementation of the commissionerate system in UP, there would be better coordination in policing.
- Moreover, in Mumbai, the system has been proved successful in handling complex issues of Mumbai which also had faced the problem of the underworld.
- Even in the commissionerate system, unfettered power is not given to the police. Police are answerable to ministers and courts.

Concerns

- When the system is introduced, initially, there can be adjustment and understanding issues. Certain **legacy issues** and other issues like **delegation of authority** and better integration will have to be addressed.
- In some states like UP, the police already have **immense power**. Questions are raised quite often on the functioning of the cops. People are generally **scared of the police** and the cops have also **failed to win public confidence**.
- People largely **trust the civil administrative officials** and feel more **comfortable** in interacting with them because they **create balance in society**.
- Further, there are several **occasions when protests are of a civil nature** and can be dealt with by the District Magistrate. Police action in such matters can complicate the situation.
- This system works better in states **where the literacy ratio is higher** and people have wide knowledge about law and their fundamental rights.

Way Forward

- The Commissionerate system brings **great power** to the Commissioner of Police hence it calls upon a **degree of restraint in using power**, which in the present scenario has not been necessarily demonstrated.
- Therefore, the **selection of Commissioner becomes crucial**. An officer who has a wider knowledge of handling crime, investigation in the complex urban-centric milieu and has the capacity to both restrain and increase power will do well.
- We can say that the system gives more powers to the police force and the officers but also added responsibility to ensure that those powers are handled in a responsible manner. As it rightly said, **“With great power comes great responsibility.”**
- An efficient commissionerate system would result in **better detection of crime**, the **better quality of investigation, increased conviction rate**, protection of the rights of people, and **decline of the crime rate**.
- India’s existing **police system** suffers a **series of deficiencies** from problems relating to a police organization, environment, infrastructure, and understaffing, to obsolete weaponry and intelligence gathering techniques to a shortage of manpower to corruption, the police force in the country is not in good shape.
- Therefore, there is an urgent need for **holistic police reforms**. Since, Police, Law and Order are subjects of state list, the government can start by urging all states to implement the recommendations given by the supreme court in **Prakash Singh case**.